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Counsel for Defendant DERA MARIE JONES

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERA MARIE JONES,

Defendant.

) No. CR 05-254 CRB

) **NOTICE OF REPORTER**  
) **DEFAULT; NOTICE OF**  
) **REVISED BRIEFING**  
) **SCHEDULE; MOTION AND**  
) **~~PROPOSED~~ ORDER TO**  
) **VACATE SENTENCING**  
) **DATE**

) Hearing Date: February 22, 2006  
) at 2:15 p.m.

) The Honorable Charles R. Breyer

Defendant Dera Marie Jones hereby files this Notice of Court Reporter Default regarding the trial transcript that is necessary for the preparation of Defendant's Motion for a New Trial.. Undersigned counsel's secretary first requested a transcript of part of the trial proceedings on December 8, 2005 via facsimile to Court Reporter Jim Yeomans. On December 30, 2005, undersigned counsel's secretary requested an enlarged portion of the trial transcript via facsimile. On January 26, undersigned counsel's secretary re-faxed the request. In addition, representatives of the Federal Public Defender Office have made multiple documented attempts to contact Mr. Yeomans by telephone regarding the trial transcript. Specifically, representatives from the Federal Defender's Office have either left messages for or spoke personally to Mr. Yeomans on December 29, 2005; December 30, 2005, January 10, 2006; January 23, 2006; January 25, 2006,

January 27, 2006, and January 31, 2006 regarding the transcript. As of today, February 1, 2006, the transcript has not yet been delivered to the Federal Defender's Office.

Undersigned counsel cannot prepare the motion for a new trial until the trial transcript is delivered. In addition, undersigned counsel will be out of the country between February 28, 2006 and March 24, 2006. Undersigned counsel is thus hopeful that the transcript will be delivered and the motion can be prepared prior to her departure on February 28, 2006.

Undersigned counsel proposes the following revised briefing schedule for the new trial motion, provided that the transcript is delivered by February 14, 2006;

**Opening Motion Due: February 22, 2006.**

**Response Due: March 16, 2006.**

**Reply Due: March 30, 2006.**

**Motion Hearing: April 6, 2006.**

Ms. Jones further requests this Court to vacate the current sentencing date of March 15, 2006 at 2:15 p.m. until after the Motion for a New Trial can be heard, at which time the sentencing may be rescheduled if necessary.

Dated: February 1, 2006

Respectfully submitted,

BARRY J. PORTMAN  
Federal Public Defender

/S/

ELIZABETH M. FALK  
Assistant Federal Public Defender

**~~PROPOSED~~ ORDER**

For good cause shown, the sentencing date in the above-referenced action of March 15, 2006 is hereby VACATED. Further dates shall be set at the April 6, 2006 appearance.

February 2, 2006

THE HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT COURT

